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Protection for Humanitarian Relief Operations

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Conclusions

- Internal strife over the past decade has often involved the deliberate targeting of civilians for violent attack.
- A result of the deliberate attacks on civilians is that humanitarian relief workers and their charges increasingly require protection.
- Effective humanitarian protection will normally require a combined response from military, constabulary (armed police), and police organizations--both indigenous and international.
- Protecting internally displaced persons is the most daunting challenge because this usually requires military intervention, for which an international mandate is rarely possible and almost never timely enough.
- In dealing with refugees, the best approach is to maximize reliance on indigenous capabilities, especially police, to minimize the use of foreign military forces, and to tailor international civilian support to the circumstances.

Background

Civilian populations have always suffered the collateral effects of armed conflict, but increasingly throughout the course of the 20th century they have become both a target and the principal victim of warfare. During the post-Cold War era, the vast majority of wars have been internal to the sovereign state, which has frequently bred humanitarian catastrophes. This has included "ethnic cleansing" (Bosnia, Kosovo), genocide (Rwanda), starvation (Somalia), ruthless governmental suppression of minorities (Iraq, Sudan), wanton brutality by rebel forces (Liberia, Sierra Leone), protracted civil war (Angola, Mozambique, Afghanistan), and extreme deprivation of human rights (Haiti). These situations have resulted in massive population displacements, both internally and internationally, and have generated international action aimed at resolving the conflict and assisting the victims. They have been marked by a climate of extreme insecurity for the affected populations and those trying to help them.

The crisis in Kosovo has brought this issue to the forefront of international concern yet again, riveting public attention on the plight of another victimized population. NATO and UN actions vis-à-vis Kosovo have been unprecedented in terms of international military and civilian response for humanitarian protection, but have also highlighted the difficulties and delays in mounting a response. While it may be too soon to determine what precedents have been set, humanitarian protection has clearly become a major international security issue at the intersection of the conflict between national sovereignty and universal principles of human rights.

Internal Populations. Population groups imperiled by civil strife or violent persecution may become displaced from their homes and villages. The most daunting situations entail internally displaced persons (IDPs) who remain under the jurisdiction of a regime that may have caused their displacement. The international community is often stymied by a division between those wishing to intervene to protect the human rights of IDPs and those placing an overriding priority on national sovereignty. When persecuted groups are associated with an armed independence movement, the principle that national borders should not be altered through force will also constrain the international response.

As the conflict over Kosovo exemplifies, the regime involved will inevitably regard any uninvited intrusion by the international community as a violation of its sovereign prerogatives and will resist with whatever means are at its disposal. This is a major inhibition of direct international action. The likelihood of resistance and the lack of international consensus about the justification have normally precluded military intervention or delayed it while atrocities mount. Less forceful actions (political persuasion, economic sanctions) have usually proven ineffective.

Refugees. Refugees, who by definition have fled their native land, are easier to assist. The crucial difference is that states suffering an influx of starving and destitute people are far more likely to view involvement by the international community as constructive or even essential. There are liable to be justified security concerns about cross-border raids or the rekindling of latent ethnic tensions due to refugee presence, which external assistance can help alleviate. In addition, local authorities will typically be overwhelmed, and tending to the needs of refugees comes at the expense of their own citizens. An internationally funded humanitarian assistance program is apt to be regarded positively, especially if accompanied by programs that benefit the host government and its people. Indeed, unless the international community demonstrates a clear willingness to provide substantial assistance, there is an increasing propensity for affected states to turn refugees away at the border, despite the obligation under the Geneva Convention on Refugees to accept them.

Relief Workers. Relief workers have traditionally relied upon an unarmed, neutral posture as their principal means of defense. This has dubious value, however, when state authority has collapsed or when the relief community is assisting a segment of society that has become a primary target in the conflict (Kosovo, Bosnia, Rwanda, Democratic Republic of Congo, Sudan). Armed factions may commandeer relief supplies, and humanitarian workers may be subject to kidnapping or assassination. Warehouses and distribution centers may be threatened by food riots and the activities of armed gangs. Often, the danger spills over into neighboring states as refugee camps are infiltrated by armed guerrillas seeking sanctuary, resupply, and recruits. Thus, unless security can be provided, relief activities may need to be suspended, or they may be too perilous to mount in the first place.

Humanitarian Protection Tasks

Security for Relief Activity (convoys, warehouses, distribution points, and living quarters). In the case of assistance for displaced persons enmeshed in a major internal conflict, the international community would probably have to be prepared to deploy a force large enough to deter or defeat armed resistance in order to deliver relief supplies. This option has usually not been deemed feasible (except in Somalia and ultimately in Kosovo). The risks, as well as the number of troops required, could be reduced to acceptable levels if the disputants were to grant permission for a limited intervention, perhaps in the context of a cease-fire. Under this more permissive scenario, limited military security might still be required for protection from armed bandits or small-scale paramilitary activities.

In the case of refugees, the threat to delivery of assistance is reduced. The greatest risks are armed

bandits or cross-border raids on refugee camps. To deal with the former, enhanced protection by an effective local police force would often be adequate. The most effective response to the latter would be to situate refugee camps well away from the international frontier, as was done to the extent possible with Kosovo refugees. This option may be constrained, however, by political considerations, such as concern that this could further destabilize a delicate ethnic balance or imply a lack of international commitment to repatriate the refugees. Use of local military forces to protect the border is an obvious step, but not always available. Another important step is to remove or banish guerrilla forces from the camps, but this is difficult.

Demilitarization and Disarmament of Refugee Camps and Safe Havens. It has proven counterproductive to guarantee the delivery of relief supplies to refugee camps or safe havens while doing nothing about guerrilla forces or armed gangs that use these areas for recruitment and operations (Hutu refugee camps in eastern Zaire). First, assistance would flow disproportionately to the strongest rather than the neediest. Second, the image of neutrality that is a vital security measure for many humanitarian organizations, as well as for the protected persons, would be eroded. Even if relief workers were not themselves targeted for reprisals, the refugee camps or safe havens would likely be viewed as legitimate targets.

Demilitarization and disarmament require a combination of military and policing skills, both indigenous and international. Many local police forces may lack the capacity to demilitarize refugee camps being used as havens by guerrilla forces (Hutu refugee camps in Zaire, Kosovar refugee camps in Albania). An international contingent of constabulary (military police) is better suited to work with local security forces to achieve this demilitarization and disarmament.

Protection of Internal Population Groups. It is plainly inadequate to protect the delivery of relief supplies if the intended recipients are not also afforded protection. The perverse result would inevitably be more "well-fed dead," as transpired when Moslem IDPs were massacred by Serb forces in the Srebrenica Safe Area in Bosnia in 1995.

Protecting people under direct attack or violent persecution is difficult and dangerous. Usually, significant military force is required to deter or to stop organized violence and permit access to international assistance (perhaps including monitors). International protection in safe areas may be considered for IDPs. However, in the event of civil war, an oppressive government is unlikely to offer a portion of its territory as a safe area, because this would be tantamount to granting autonomy to the rebellious group it has been seeking to subjugate. Thus, the international community would still have to be prepared to use significant military coercion on a sovereign state to persuade it to surrender de facto control over a portion of its territory. The safe areas for Kurds in Iraq (Provide Comfort) and the Moslem enclaves in Bosnia (the UN Protection Force) are illustrative cases.

Public Security within Refugee Camps. Even if refugee camps are temporarily swept free of weapons, combatants, and armed gangs, this would leave a longer term public security vacuum. Thus, unless active measures are taken to install a functioning public security apparatus, demilitarization will merely be a fleeting condition. The options include a combination of indigenous and international action, such as local police, public security training programs, and international monitoring. This combination has been used successfully by the UN High Commissioner for Refugees (UNHCR) and the Tanzanian police to provide security for Hutu refugees from Burundi and was proposed for camps in Albania. There might also be a residual requirement for military Quick Reaction Forces or constabulary units, but only to back up police action.

The Spectrum of Required Capabilities

Each of the following options has liabilities. Consequently, a combination of capabilities, tailored to the specific demands of each situation, is often required.

Local Security Forces. Although governments have an international obligation to protect refugees on their soil, they often lack the capacity to do so. The international community can help by assisting and training local public security forces, and by providing international monitors to prevent victimization of refugees by a police force that would be culturally alien to them.

Encadrement. To maintain law and order inside refugee camps, the international community might also train, assist, and monitor cadres from the refugee community itself (i.e., encadrement). Such cadres would understand the refugees' distinctive culture and legal traditions. This approach could build upon the positive aspects of informal societal norms to maintain order and adjudicate disputes. Encadrement offers a source of employment for military age males and provides the basis for a more orderly process once the refugees are able to return to their former communities. This approach needs to be implemented with host nation, public security institutions to avoid creating a perception that sovereignty is being usurped.

International Assistance Programs. Local governments are more likely to cooperate with the international community if they receive something in the bargain. Multilateral or bilateral assistance programs to train and equip host nation security forces, for both humanitarian protection and enhancement of their general capabilities, can provide such an inducement. Such programs serve broader international purposes by minimizing the short-term involvement of and long-term dependency on the international community.

International Civilian Police (CIVPOL). CIVPOL monitoring units are typically formed of police volunteers from many contributing countries under the aegis of the United Nations, a regional security organization, or, in some cases, a bilateral government program. Usually unarmed, CIVPOL do not have a capability to conduct such operations as demilitarizing refugee camps. CIVPOL monitors are, however, an effective antidote to human rights violations by local security forces. If training programs for refugee cadres or existing police organizations are desired, CIVPOL advisors can perform a crucial role by coordinating international contributions, mentoring graduates of training programs, and conducting training themselves.

Private Security Guards. Humanitarian organizations dealing with IDPs or refugees may resort to hiring local security guards; however, this is risky, because their loyalty is liable to be with one of the factions in the dispute, inviting retaliation from their rivals. An alternative might be to employ private international security companies. This would have the advantage of being cheaper and easier to organize than a military force. Their adherence to human rights standards could be problematic, depending upon their background, unless there is close supervision by humanitarian agencies. UNHCR has used this approach with some success.

International Constabulary. Constabulary or armed police units experienced in dealing with civilian populations can be deployed to work with the international relief community and, as much as possible, local security forces. The Multinational Specialized Unit in Bosnia provides a useful illustration. The constabulary could keep armed elements (gangs or guerrillas) away from refugee camps, protect deliveries of food and medicine, and maintain order at food distribution points. Their tactics include routine police patrols, information-gathering and investigative techniques, and, when confronted,

nonlethal control measures. The mere presence of a capable international constabulary can reinforce the will of local security forces to perform their duties.

International Military Forces. Since military combat units typically lack nonlethal capabilities and police training, they are not well suited for humanitarian protection tasks. If thrust into refugee camps where petty crime and gang activity are rampant, for example, the danger of the use of excessive force can be high. They can fill a vital niche, however, by ensuring that law enforcement authorities are able to establish authority over these camps. There is a need to develop coordination mechanisms that allow military forces to support local authorities and other members of the international community effectively. The experiences of the Stabilization Force, the International Police Task Force, the Multi-national Specialized Unit, and local police in Bosnia, and the operational concepts they have developed for coordinated action, are highly instructive.

Humanitarian Assistance Workshops

INSS is conducting a series of workshops involving representatives from the UN High Commission for Refugees, key NGOs, the Joint Staff, the Office of Foreign Disaster Assistance, constabulary organizations, and other experienced practitioners to develop viable protective schemes relating to the delivery of humanitarian assistance. The initial workshop, held in September 1998, addressed the basic options described here. The next phase will seek to develop recommendations regarding the most effective combinations of options for differing scenarios, ways to promote coordinated effort among the various organizations involved, and other steps required to make these options viable and effective.

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